

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PAUL EDWARD DAVIS,

Defendant.

Case No. 2:13-cr-00301-APG-CWH

ORDER

This matter is before the Court on Defendant Paul Edward Davis' Motion to Address the Injustice by the District Court (#141), filed July 17, 2014. As has occurred several times prior, Davis did not submit the motion through his appointed counsel, which is a violation of Local Rule IA 10-6(a) ("A party who has appeared by attorney cannot while so represented appear or act in the case."). Because the motion is not permitted by the rules, the Court would normally deny the motion and require that it be submitted through appointed counsel. However, as it has done previously, the Court will exercise its discretion and address the motion.

Defendant requests that his case be restarted based on his belief that he has not been provided effective assistance of counsel as evidenced by his prior counsel lying to the court and attempting to "sell him out." The undersigned has previously found these accusations baseless. There is no evidence supporting the accusation that Defendant's counsel have lied to the court. There is no evidence supporting the accusation that Defendants' counsel have "sold him out." Defendant has been appointed several capable, competent counsel, none of whom he has found satisfactory and all of whom he has verbally abused, threatened, or refused to cooperate with. Defendant's baseless accusations and continued unwillingness to cooperate with his appointed counsel do not provide grounds to "restart" his case.


Defendant also requests that the judges currently assigned to this case be replaced. This

1 request stems from Mr. Davis disagreement with several evidentiary and other rulings that have
2 been made. Defendant prefaces his disagreement with several baseless accusations that the rulings
3 are the product of discrimination, racism, denial, hypocrisy, and bigotry. The hurling of baseless
4 accusations does not compel recusal or require that the case be restarted. These precise grounds
5 were advanced in a prior motion to recuse(#109), which was denied after it was determined that the
6 standard for recusal has not been met. *See* Order (#115). Nothing in Defendant's latest motion
7 changes that outcome. Defendant's disagreement with "judicial rulings alone almost never
8 constitute a valid basis for a bias or partiality motion." *Liteky v. United States*, 510 U.S. 540, 555
9 (1994). The undersigned's orders and recommendations throughout this case have been made
10 based upon the law, in an impartial manner after review of all relevant evidence. To the extent the
11 orders or recommendations have been challenged, they have been upheld. There is no legitimate
12 ground for recusal.

13 Based on the foregoing and good cause appearing therefore,

14 **IT IS HEREBY ORDERED** that Defendant Paul Edward Davis' Motion to Address the
15 Injustice by the District Court (#141) is **denied**.

16 DATED: July 25, 2014.

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20 **C.W. Hoffman, Jr.**
21 **United States Magistrate Judge**
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